

1 (17) “Referendum” means a proceeding conducted by the commission in which
2 employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit
3 may cast a secret ballot on the question of directing the labor organization and the
4 employer to enter into a fair-share agreement or to terminate a fair-share
5 agreement.

6 (18) “Representative” includes any person chosen by an employee to represent
7 the employee.

8 (19) “Strike” includes any strike or other concerted stoppage of work by
9 employees, any concerted slowdown or other concerted interruption of operations or
10 services by employees, or any concerted refusal to work or perform their usual duties
11 as employees of the state.

12 (20) “Supervisor” means any individual whose principal work is different from
13 that of the individual’s subordinates and who has authority, in the interest of the
14 employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign,
15 reward, or discipline employees, or to adjust their grievances, or to authoritatively
16 recommend such action, if the individual’s exercise of such authority is not of a
17 merely routine or clerical nature, but requires the use of independent judgment.

18 (21) “Unfair labor practice” means any unfair labor practice specified in s.
19 111.991.

20 **111.965 Duties of the state.** (1) (a) In the furtherance of this subchapter, the
21 state shall be considered as a single employer. With respect to a collective bargaining
22 unit specified in s. 111.98 (1) (b) to (i) or (j) to (r), the board shall negotiate and
23 administer collective bargaining agreements. To coordinate the employer position
24 in the negotiation of agreements, the board shall maintain close liaison with the
25 office relative to the negotiation of agreements and the fiscal ramifications of those

1 agreements. The board shall coordinate its collective bargaining activities with the
2 office. The legislative branch shall act upon those portions of tentative agreements
3 negotiated by the board that require legislative action.

4 (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (b) to
5 (i) or (jk) to (r), the board shall establish a collective bargaining capacity and shall
6 represent the state in its responsibility as an employer under this subchapter. The
7 board shall coordinate its actions with the director of the office.

8 **(2m)** (a) With respect to a collective bargaining unit specified in s. 111.98 (1)
9 (a) or (j), the University of Wisconsin–Madison shall negotiate and administer
10 collective bargaining agreements. To coordinate the employer position in the
11 negotiation of agreements, the University of Wisconsin–Madison shall maintain
12 close liaison with the office relative to the negotiation of agreements and the fiscal
13 ramifications of those agreements. The University of Wisconsin–Madison shall
14 coordinate its collective bargaining activities with the office. The legislative branch
15 shall act upon those portions of tentative agreements negotiated by the University
16 of Wisconsin–Madison that require legislative action.

17 (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (a) or
18 (j), the University of Wisconsin–Madison shall establish a collective bargaining
19 capacity and shall represent the state in its responsibility as an employer under this
20 subchapter. The University of Wisconsin–Madison shall coordinate its actions with
21 the director of the office.

22 **111.97 Rights of employees.** Employees have the right of self–organization
23 and the right to form, join, or assist labor organizations, to bargain collectively
24 through representatives of their own choosing under this subchapter, and to engage

1 in lawful, concerted activities for the purpose of collective bargaining or other mutual
2 aid or protection. Employees also have the right to refrain from any such activities.

3 **111.98 Collective bargaining units.** (1) Collective bargaining units for
4 faculty and staff are structured with a collective bargaining unit for each of the
5 following groups:

- 6 (a) Faculty of the University of Wisconsin–Madison.
- 7 (b) Faculty of the University of Wisconsin–Milwaukee.
- 8 (c) Faculty of the University of Wisconsin–Extension.
- 9 (cm) Faculty of the University of Wisconsin–Eau Claire.
- 10 (d) Faculty of the University of Wisconsin–Green Bay.
- 11 (dm) Faculty of the University of Wisconsin–La Crosse.
- 12 (e) Faculty of the University of Wisconsin–Oshkosh.
- 13 (em) Faculty of the University of Wisconsin–Parkside.
- 14 (f) Faculty of the University of Wisconsin–Platteville.
- 15 (fm) Faculty of the University of Wisconsin–River Falls.
- 16 (g) Faculty of the University of Wisconsin–Stevens Point.
- 17 (gm) Faculty of the University of Wisconsin–Stout.
- 18 (h) Faculty of the University of Wisconsin–Superior.
- 19 (hm) Faculty of the University of Wisconsin–Whitewater.
- 20 (i) Faculty of the University of Wisconsin Colleges.
- 21 (j) Academic staff of the University of Wisconsin–Madison.
- 22 (jk) Academic staff employed at the University of Wisconsin System
23 administration.
- 24 (jm) Academic staff of the University of Wisconsin–Milwaukee.
- 25 (k) Academic staff of the University of Wisconsin–Extension.

1 (km) Academic staff of the University of Wisconsin–Eau Claire.

2 (L) Academic staff of the University of Wisconsin–Green Bay.

3 (Lm) Academic staff of the University of Wisconsin–La Crosse.

4 (n) Academic staff of the University of Wisconsin–Oshkosh.

5 (nm) Academic staff of the University of Wisconsin–Parkside.

6 (o) Academic staff of the University of Wisconsin–Platteville.

7 (om) Academic staff of the University of Wisconsin–River Falls.

8 (p) Academic staff of the University of Wisconsin–Stevens Point.

9 (pm) Academic staff of the University of Wisconsin–Stout.

10 (q) Academic staff of the University of Wisconsin–Superior.

11 (qm) Academic staff of the University of Wisconsin–Whitewater.

12 (r) Academic staff of the University of Wisconsin Colleges.

13 **(2)** (a) Notwithstanding sub. (1), 2 or more collective bargaining units described
14 under sub. (1) (b) to (i) or (jk) to (r) may be combined into a single unit or the collective
15 bargaining units described under sub. (1) (a) and (j) may be combined into a single
16 unit. If 2 or more collective bargaining units seek to combine into a single collective
17 bargaining unit, the commission shall, upon the petition of at least 30 percent of the
18 employees in each unit, hold an election, or include on any ballot for an election held
19 under s. 111.990 (2) the question of whether to combine units, to determine whether
20 a majority of those employees voting in each unit desire to combine into a single unit.
21 A combined collective bargaining unit shall be formed including all employees from
22 each of those units in which a majority of the employees voting in the election approve
23 a combined unit. The collective bargaining units shall be combined immediately
24 unless there is no existing collective bargaining agreement in force in any of the units

1 to be combined and then the collective bargaining units shall be combined upon
2 expiration of the last agreement for the units concerned.

3 (b) If 2 or more collective bargaining units have combined under par. (a), the
4 commission shall, upon petition of at least 30 percent of the employees in any of the
5 original units, hold an election of the employees in the original unit to determine
6 whether the employees in that unit desire to withdraw from the combined collective
7 bargaining unit. If a majority of the employees voting desire to withdraw from the
8 combined collective bargaining unit, separate units consisting of the unit in which
9 the election was held and a unit composed of the remainder of the combined unit shall
10 be formed. The new collective bargaining units shall be formed immediately unless
11 there is a collective bargaining agreement in force for the combined unit and then the
12 new units shall be formed upon the expiration of the agreement. While there is a
13 collective bargaining agreement in force for the combined collective bargaining unit,
14 a petition for an election under this paragraph may be filed only during October in
15 the calendar year prior to the expiration of the agreement.

16 (4) Any labor organization may petition for recognition as the exclusive
17 representative of a collective bargaining unit described under sub. (1) or (2) in
18 accordance with the election procedures under s. 111.990 if the petition is
19 accompanied by a 30 percent showing of interest in the form of signed authorization
20 cards. Any additional labor organization seeking to appear on the ballot must file
21 a petition within 60 days of the date of filing of the original petition and prove,
22 through signed authorization cards, that at least 10 percent of the employees in the
23 collective bargaining unit want it to be their representative.

24 (5) Although academic staff supervisors are not considered employees for the
25 purpose of this subchapter, the commission may consider a petition for a statewide

1 collective bargaining unit consisting of academic staff supervisors, but the
2 representative of the supervisors may not be affiliated with any labor organization
3 representing employees. For purposes of this subsection, affiliation does not include
4 membership in a national, state, county, or municipal federation of national or
5 international labor organizations. The certified representative of the supervisors
6 may not bargain collectively with respect to any matter other than wages and fringe
7 benefits.

8 **111.990 Representatives and elections.** (1) A representative chosen for the
9 purposes of collective bargaining by a majority of the employees voting in a collective
10 bargaining unit is the exclusive representative of all of the employees in such unit
11 for the purposes of collective bargaining. Any individual employee, or any minority
12 group of employees in any collective bargaining unit, may present any grievance to
13 the employer in person, or through representatives of their own choosing, and the
14 employer shall confer with the individual employee or group of employees with
15 respect to the grievance if the majority representative has been given the
16 opportunity to be present at the conference. Any adjustment resulting from a
17 conference may not be inconsistent with the conditions of employment established
18 by the majority representative and the employer.

19 (2) (a) Whenever a question arises concerning the representation of employees
20 in a collective bargaining unit, the commission shall determine the representation
21 by taking a secret ballot of the employees and certifying in writing the results to the
22 interested parties. There shall be included on any ballot for the election of
23 representatives the names of all labor organizations having an interest in
24 representing the employees participating in the election as indicated in petitions
25 filed with the commission. The name of any existing representative shall be included

1 on the ballot without the necessity of filing a petition. The commission may exclude
2 from the ballot one who, at the time of the election, stands deprived of his or her rights
3 under this subchapter by reason of a prior adjudication of his or her having engaged
4 in an unfair labor practice. The ballot shall permit a vote against representation by
5 anyone named on the ballot.

6 (b) 1. Except as provided in subd. 2., for elections in a collective bargaining unit
7 composed of employees who are members of the faculty or academic staff, whenever
8 more than one representative qualifies to appear on the ballot, the ballot shall
9 provide separate votes on 2 questions. The first question shall be: "Shall the
10 employees of the (name of collective bargaining unit) participate in collective
11 bargaining?" The 2nd question shall be: "If the employees of the (name of
12 collective bargaining unit) elect to participate in collective bargaining, which labor
13 organization do you favor to act as representative of the employees?" The 2nd
14 question may not include a choice for no representative. All employees in the
15 collective bargaining unit may vote on both questions. Unless a majority of those
16 employees voting in the election vote to participate in collective bargaining, no votes
17 for a particular representative may be counted. If a majority of those employees
18 voting in the election vote to participate in collective bargaining, the ballots for
19 representatives shall be counted.

20 2. For elections in a collective bargaining unit composed of employees who are
21 members of the faculty or academic staff, whenever more than one representative
22 qualifies to appear on the ballot and a question of whether to combine collective
23 bargaining units as permitted under s. 111.98 (2) (a) qualifies to appear on the ballot,
24 the ballot shall provide separate votes on 3 questions and each ballot shall identify
25 the collective bargaining unit to which each voter currently belongs. The first

1 question shall be: "Shall the employees of the (name of the voter's current
2 collective bargaining unit) participate in collective bargaining?" The 2nd question
3 shall be: "Shall the employees of the (names of all of the collective bargaining
4 units that qualify to appear on the ballot, including the name of the voter's current
5 collective bargaining unit) combine to participate in collective bargaining?" The 3rd
6 question shall be: "If the employees of the (name of the voter's current collective
7 bargaining unit) elect to participate in collective bargaining, which labor
8 organization do you favor to act as representative of the employees?" The 3rd
9 question may not include a choice for no representative. All employees in the
10 collective bargaining unit may vote on all questions. Unless a majority of those
11 employees voting in the election vote to participate in collective bargaining, no votes
12 for combination or for a particular representative may be counted. If a majority of
13 those employees voting in the election vote to participate in collective bargaining, the
14 ballots for combination shall be counted. If the ballots for combination are counted
15 and a majority of those employees voting from each collective bargaining unit listed
16 in the 2nd question on the ballot vote to combine, then the ballots for representatives
17 of the combined collective bargaining unit shall be counted. If the ballots for
18 combination are counted and a majority of those employees voting from each
19 collective bargaining unit listed in the 2nd question on the ballot do not vote to
20 combine, then the ballots for representatives of each current collective bargaining
21 unit shall be counted.

22 (c) The commission's certification of the results of any election is conclusive
23 unless reviewed under s. 111.07 (8).

24 (3) Whenever an election has been conducted under sub. (2) in which the ballots
25 for representatives have been counted but in which no named representative is

1 favored by a majority of the employees voting, the commission may, if requested by
2 a party to the proceeding within 30 days from the date of the certification of the
3 results of the election, conduct a runoff election. In that runoff election, the
4 commission shall drop from the ballot the name of the representative who received
5 the least number of votes at the original election.

6 (4) While a collective bargaining agreement between a labor organization and
7 an employer is in force under this subchapter, a petition for an election in the
8 collective bargaining unit to which the agreement applies may be filed only during
9 October in the calendar year prior to the expiration of that agreement. An election
10 held under that petition may be held only if the petition is supported by proof that
11 at least 30 percent of the employees in the collective bargaining unit desire a change
12 or discontinuance of existing representation. Within 60 days of the time that an
13 original petition is filed, another petition may be filed supported by proof that at least
14 10 percent of the employees in the same collective bargaining unit desire a different
15 representative. If a majority of the employees in the collective bargaining unit vote
16 for a change or discontinuance of representation by any named representative, the
17 decision takes effect upon expiration of any existing collective bargaining agreement
18 between the employer and the existing representative.

19 **111.991 Unfair labor practices.** (1) It is an unfair labor practice for an
20 employer individually or in concert with others to do any of the following:

21 (a) Interfere with, restrain, or coerce employees in the exercise of their rights
22 guaranteed under s. 111.97.

23 (b) Except as otherwise provided in this paragraph, initiate, create, dominate,
24 or interfere with the formation or administration of any labor or employee
25 organization or contribute financial support to it. Except as provided in ss. 40.02 (22)

1 (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement
2 System under ch. 40 and no action by the employer that is authorized by such a law
3 is a violation of this paragraph unless an applicable collective bargaining agreement
4 specifically prohibits the change or action. No such change or action affects the
5 continuing duty to bargain collectively regarding the Wisconsin Retirement System
6 under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice
7 for the employer to reimburse an employee at his or her prevailing wage rate for the
8 time spent during the employee's regularly scheduled hours conferring with the
9 employer's officers or agents and for attendance at commission or court hearings
10 necessary for the administration of this subchapter.

11 (c) Encourage or discourage membership in any labor organization by
12 discrimination in regard to hiring, tenure, or other terms or conditions of
13 employment. This paragraph does not apply to fair-share or maintenance of
14 membership agreements.

15 (d) Refuse to bargain collectively on matters set forth in s. 111.998 with a
16 representative of a majority of its employees in an appropriate collective bargaining
17 unit. Whenever the employer has a good faith doubt as to whether a labor
18 organization claiming the support of a majority of its employees in an appropriate
19 collective bargaining unit does in fact have that support, it may file with the
20 commission a petition requesting an election as to that claim. The employer is not
21 considered to have refused to bargain until an election has been held and the results
22 of the election are certified to the employer by the commission. A violation of this
23 paragraph includes the refusal to execute a collective bargaining agreement
24 previously orally agreed upon.

1 (e) Violate any collective bargaining agreement previously agreed upon by the
2 parties with respect to wages, hours, and conditions of employment affecting the
3 employees, including an agreement to arbitrate or to accept the terms of an
4 arbitration award, when previously the parties have agreed to accept such award as
5 final and binding upon them.

6 (f) Deduct labor organization dues from an employee's earnings, unless the
7 employer has been presented with an individual order therefor, signed by the
8 employee personally, and terminable by at least the end of any year of its life or
9 earlier by the employee giving at least 30 but not more than 120 days' written notice
10 of such termination to the employer and to the representative labor organization,
11 except if there is a fair-share or maintenance of membership agreement in effect.
12 The employer shall give notice to the labor organization of receipt of such notice of
13 termination.

14 (g) Use any moneys received for any purpose to discourage; to train any
15 supervisor, management employee, or other employee to discourage; or to contract
16 with any person for the purposes of discouraging employees in the exercise of their
17 rights guaranteed under s. 111.97.

18 **(1m)** Notwithstanding sub. (1), it is not an unfair labor practice for the board
19 to implement changes in salaries or conditions of employment for members of the
20 faculty or academic staff at one institution, and not for other members of the faculty
21 or academic staff at another institution, but this may be done only if the differential
22 treatment is based on comparisons with the compensation and working conditions
23 of employees performing similar services for comparable higher education
24 institutions or based upon other competitive factors.

1 (2) It is unfair practice for an employee individually or in concert with others
2 to do any of the following:

3 (a) Coerce or intimidate an employee in the enjoyment of the employee's legal
4 rights, including those guaranteed under s. 111.97.

5 (b) Coerce, intimidate, or induce any officer or agent of the employer to interfere
6 with any of the employer's employees in the enjoyment of their legal rights including
7 those guaranteed under s. 111.97 or engage in any practice with regard to its
8 employees which would constitute an unfair labor practice if undertaken by the
9 officer or agent on the officer's or agent's own initiative.

10 (c) Refuse to bargain collectively on matters specified in s. 111.998 with the
11 authorized officer or agent of the employer that is the recognized or certified
12 exclusive collective bargaining representative of employees in an appropriate
13 collective bargaining unit. Such refusal to bargain shall include a refusal to execute
14 a collective bargaining agreement previously orally agreed upon.

15 (d) Violate the provisions of any written agreement with respect to terms and
16 conditions of employment affecting employees, including an agreement to arbitrate
17 or to accept the terms of an arbitration award, when previously the parties have
18 agreed to accept such awards as final and binding upon them.

19 (e) Engage in, induce, or encourage any employees to engage in a strike or a
20 concerted refusal to work or perform their usual duties as employees.

21 (f) Coerce or intimidate a supervisory employee, officer, or agent of the
22 employer, working at the same trade or profession as the employer's employees, to
23 induce the person to become a member of or act in concert with the labor organization
24 of which the employee is a member.

1 (3) It is an unfair labor practice for any person to do or cause to be done on
2 behalf of or in the interest of employers or employees, or in connection with or to
3 influence the outcome of any controversy as to employment relations, any act
4 prohibited by subs. (1) and (2).

5 (3m) This section does not interfere with a faculty member's right of academic
6 freedom.

7 (4) Any controversy concerning unfair labor practices may be submitted to the
8 commission as provided in s. 111.07, except that the commission shall schedule a
9 hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after
10 filing of a complaint, and notice shall be given to each party interested by service on
11 the party personally, or by telegram, advising the party of the nature of the complaint
12 and of the date, time, and place of hearing. The commission may appoint a substitute
13 tribunal to hear unfair labor practice charges by either appointing a 3-member panel
14 or submitting a 7-member panel to the parties and allowing each to strike 2 names.
15 Any panel shall report its finding to the commission for appropriate action.

16 **111.992 Fair-share and maintenance of membership agreements. (1)**

17 (a) 1. No fair-share agreement is effective unless authorized by a referendum. The
18 commission shall order a referendum whenever it receives a petition supported by
19 proof that at least 30 percent of the employees, or supervisors specified in s. 111.98
20 (5), in a collective bargaining unit desire that a fair-share agreement be entered into
21 between the employer and a labor organization.

22 2. For a fair-share agreement to be authorized, at least a majority of the eligible
23 employees or supervisors voting in a referendum must vote in favor of the agreement.

24 (b) No maintenance of membership agreement may be effective unless
25 authorized. For a maintenance of membership agreement to be authorized, the

1 employer and the labor organization representing the employees must voluntarily
2 agree to establish the maintenance of membership agreement.

3 (c) If a fair-share agreement is authorized in a referendum, the employer shall
4 enter into a fair-share agreement with the labor organization named on the ballot
5 in the referendum. If a maintenance of membership agreement is authorized under
6 par. (b), the employer shall enter into the maintenance of membership agreement
7 with the labor union that voluntarily agreed to establish the agreement. Each
8 fair-share or maintenance of membership agreement shall require the employer to
9 deduct the amount of dues as certified by the labor organization from the earnings
10 of the employees or supervisors affected by the agreement and to pay the amount
11 deducted to the labor organization. Unless the parties agree to an earlier date, a
12 fair-share agreement takes effect 60 days after the commission certifies that the
13 referendum vote authorized the fair-share agreement, and unless the parties agree
14 to an earlier date a maintenance of membership agreement takes effect 60 days after
15 the commission certifies that the parties have voluntarily agreed to establish the
16 maintenance of membership agreement. The employer shall be held harmless
17 against any claims, demands, suits, and other forms of liability made by employees
18 or supervisors or local labor organizations which may arise for actions the employer
19 takes in compliance with this section. All such lawful claims, demands, suits, and
20 other forms of liability are the responsibility of the labor organization entering into
21 the agreement.

22 (d) Under each fair-share or maintenance of membership agreement, an
23 employee or supervisor who has religious convictions against dues payments to a
24 labor organization may request the labor organization to pay his or her dues to a
25 charity mutually agreed upon by the employee or supervisor and the labor

1 organization. Any dispute under this paragraph may be submitted to the
2 commission for adjudication.

3 (2) (a) 1. Once authorized, a fair-share agreement continues, subject to the
4 right of the employer or labor organization concerned to petition the commission to
5 conduct a new referendum. If the commission receives a petition and finds that at
6 least 30 percent of the employees or supervisors in the collective bargaining unit
7 want to discontinue the fair-share agreement, the commission shall conduct a new
8 referendum. If the continuance of the fair-share agreement is approved in the
9 referendum by at least the percentage of eligible voting employees or supervisors
10 required for its initial authorization, it shall continue, subject to the right of the
11 employer or labor organization to later initiate a further vote following the procedure
12 prescribed in this subsection. If the continuance of the fair-share agreement is not
13 supported in any referendum, it terminates at the termination of the collective
14 bargaining agreement, or one year from the date of the certification of the result of
15 the referendum, whichever is earlier.

16 2. Once authorized, a maintenance of membership agreement is in effect,
17 subject to the right of the employer or the labor organization concerned to notify the
18 commission that it no longer voluntarily agrees to continue the agreement. After the
19 commission is notified, the maintenance of membership agreement terminates at the
20 termination of the collective bargaining agreement or one year from the notification,
21 whichever is earlier.

22 (b) The commission shall suspend any fair-share or maintenance of
23 membership agreement upon such conditions and for such time as the commission
24 decides whenever it finds that the labor organization involved has refused on the
25 basis of race, color, sexual orientation, or creed to receive as a member any employee

1 or supervisor in the collective bargaining unit involved, and the agreement shall be
2 made subject to the findings and orders of the commission. Any of the parties to the
3 agreement, or any employee or supervisor covered under the agreement, may come
4 before the commission, as provided in s. 111.07, and petition the commission to make
5 such a finding.

6 (3) A stipulation for a referendum executed by an employer and a labor
7 organization may not be filed until after the representation election has been held
8 and the results certified.

9 (4) The commission may, under rules adopted for that purpose, appoint as its
10 agent an official of a state agency whose employees are entitled to vote in a
11 referendum to conduct a referendum under this section.

12 **111.993 Grievance arbitration.** (1) Parties to the dispute pertaining to the
13 interpretation of a collective bargaining agreement may agree in writing to have the
14 commission or any other appointing state agency serve as arbitrator or may
15 designate any other competent, impartial, and disinterested persons to so serve.
16 Such arbitration proceedings shall be governed by ch. 788.

17 (2) The board shall charge an institution for the employer's share of the cost
18 related to grievance arbitration under sub. (1) for any arbitration that involves one
19 or more employees of the institution. Each institution charged shall pay the amount
20 that the board charges from the appropriation account or accounts used to pay the
21 salary of the grievant. Funds received under this subsection shall be credited to the
22 appropriation account under s. 20.545 (1) (km).

23 **111.994 Mediation.** The commission may appoint any competent, impartial,
24 disinterested person to act as mediator in any labor dispute either upon its own
25 initiative or upon the joint request of both parties to the dispute. It is the function

1 of a mediator to bring the parties together voluntarily under such favorable
2 conditions as will tend to effectuate settlement of the dispute, but neither the
3 mediator nor the commission has any power of compulsion in mediation proceedings.

4 **111.995 Fact-finding.** (1) If a dispute has not been settled after a reasonable
5 period of negotiation and after the settlement procedures, if any, established by the
6 parties have been exhausted, the representative that has been certified by the
7 commission after an election, as the exclusive representative of employees in an
8 appropriate bargaining unit, and the employer, its officers, and agents, after a
9 reasonable period of negotiation, are deadlocked with respect to any dispute between
10 them arising in the collective bargaining process, either party, or the parties jointly,
11 may petition the commission, in writing, to initiate fact-finding under this section,
12 and to make recommendations to resolve the deadlock.

13 (2) Upon receipt of a petition to initiate fact-finding, the commission shall
14 make an investigation with or without a formal hearing, to determine whether a
15 deadlock in fact exists. The commission shall certify the results of the investigation.
16 If the commission decides that fact-finding should be initiated, it shall appoint a
17 qualified, disinterested person or, when jointly requested by the parties, a 3-member
18 panel to function as a fact finder.

19 (3) The fact finder may establish dates and place of hearings and shall conduct
20 the hearings under rules established by the commission. Upon request, the
21 commission shall issue subpoenas for hearings conducted by the fact finder. The fact
22 finder may administer oaths. Upon completion of the hearing, the fact finder shall
23 make written findings of fact and recommendations for solution of the dispute and
24 shall cause the same to be served on the parties and the commission. In making
25 findings and recommendations, the fact finder shall take into consideration among

1 other pertinent factors the principles vital to the public interest in efficient and
2 economical governmental administration. Upon the request of either party, the fact
3 finder may orally present the recommendations in advance of service of the written
4 findings and recommendations. Cost of fact-finding proceedings shall be divided
5 equally between the parties. At the time the fact finder submits a statement of his
6 or her costs to the parties, the fact finder shall submit a copy to the commission at
7 its Madison office.

8 (4) A fact finder may mediate a dispute at any time prior to the issuance of the
9 fact finder's recommendations.

10 (5) Within 30 days of the receipt of the fact finder's recommendations or within
11 a time mutually agreed upon by the parties, each party shall advise the other, in
12 writing, as to the party's acceptance or rejection, in whole or in part, of the fact
13 finder's recommendations and, at the same time, send a copy of the notification to
14 the commission at its Madison office. Failure to comply with this subsection, by the
15 employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

16 **111.996 Strike prohibited.** (1) Upon establishing that a strike is in progress,
17 the employer may either seek an injunction or file an unfair labor practice charge
18 with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the
19 board to decide whether to seek an injunction or file an unfair labor practice charge.
20 The existence of an administrative remedy does not constitute grounds for denial of
21 injunctive relief.

22 (2) The occurrence of a strike and the participation in the strike by an employee
23 do not affect the rights of the employer, in law or in equity, to deal with the strike,
24 including all of the following:

1 (a) The right to impose discipline, including discharge, or suspension without
2 pay, of any employee participating in the strike.

3 (b) The right to cancel the reinstatement eligibility of any employee engaging
4 in the strike.

5 (c) The right of the employer to request the imposition of fines, either against
6 the labor organization or the employee engaging in the strike, or to sue for damages
7 because of such strike activity.

8 **111.997 Management rights.** Nothing in this subchapter interferes with the
9 right of the board or the University of Wisconsin–Madison, in accordance with this
10 subchapter, to do any of the following:

11 (1) Carry out the statutory mandate and goals assigned to the board or to the
12 University of Wisconsin–Madison by the most appropriate and efficient methods and
13 means and utilize personnel in the most appropriate and efficient manner possible.

14 (2) Suspend, demote, discharge, or take other appropriate disciplinary action
15 against the employee; or to lay off employees in the event of lack of work or funds or
16 under conditions where continuation of such work would be inefficient and
17 nonproductive.

18 **111.998 Subjects of bargaining.** (1) (a) Except as provided in pars. (b) to
19 (f), matters subject to collective bargaining to the point of impasse are salaries; fringe
20 benefits consistent with sub. (2); and hours and conditions of employment.

21 (b) With respect to a collective bargaining unit specified in s. 111.98 (1) (b) to
22 (i) or (jk) to (r), the board and, with respect to a collective bargaining unit specified
23 in s. 111.98 (1) (a) or (j), the University of Wisconsin–Madison is not required to
24 bargain on management rights under s. 111.997, except that procedures for the

1 adjustment or settlement of grievances or disputes arising out of any type of
2 disciplinary action in s. 111.997 (2) is a subject of bargaining.

3 (c) The board and the University of Madison–Madison are prohibited from
4 bargaining on matters contained in sub. (2).

5 (d) Except as provided in sub. (2) and ss. 40.02 (22) (e) and 40.23 (1) (f) 4., all
6 laws governing the Wisconsin Retirement System under ch. 40 and all actions of the
7 board and of the University of Madison–Madison that are authorized under any such
8 law that apply to nonrepresented individuals employed by the state shall apply to
9 similarly situated employees, unless otherwise specifically provided in a collective
10 bargaining agreement that applies to those employees.

11 (e) Demands relating to retirement and group insurance shall be submitted to
12 the board or to the University of Wisconsin–Madison, whichever is appropriate, at
13 least one year prior to commencement of negotiations.

14 (f) Neither the board nor the University of Wisconsin–Madison is required to
15 bargain on matters related to employee occupancy of houses or other lodging
16 provided by the state.

17 (2) The board and the University of Wisconsin–Madison are prohibited from
18 bargaining on all of the following:

19 (a) The mission and goals of the University of Wisconsin System as set forth
20 in the statutes; the diminution of the right of tenure provided the faculty under s.
21 36.13, the rights granted faculty under s. 36.09 (4) and academic staff under s. 36.09
22 (4m), or the rights of appointment provided academic staff under s. 36.15; or
23 academic freedom.

24 (b) Amendments to this subchapter.

1 (c) Family leave and medical leave rights below the minimum afforded under
2 s. 103.10. Nothing in this paragraph prohibits bargaining on rights to family leave
3 or medical leave which are more generous to the employee than the rights provided
4 under s. 103.10.

5 (e) The rights of employees to have retirement benefits computed under s.
6 40.30.

7 (f) Honesty testing requirements that provide fewer rights and remedies to
8 employees than are provided under s. 111.37.

9 (h) Creditable service to which s. 40.285 (2) (b) 4. applies.

10 (i) Compliance with the health benefit plan requirements under ss. 632.746 (1)
11 to (8) and (10), 632.747, and 632.748.

12 (j) Compliance with the insurance requirements under s. 631.95.

13 (k) The definition of earnings under s. 40.02 (22).

14 (L) The maximum benefit limitations under s. 40.31.

15 (m) The limitations on contributions under s. 40.32.

16 (n) The provision to employees of the health insurance coverage required under
17 s. 632.895 (11) to (14).

18 (o) The requirements related to coverage of and prior authorization for
19 treatment of an emergency medical condition under s. 632.85.

20 (p) The requirements related to coverage of drugs and devices under s. 632.853.

21 (q) The requirements related to experimental treatment under s. 632.855.

22 (r) The requirements under s. 609.10 related to offering a point-of-service
23 option plan.

1 (s) The requirements related to internal grievance procedures under s. 632.83
2 and independent review of certain health benefit plan determinations under s.
3 632.835.

4 (3) Upon request, the chancellor at each institution, or his or her designee,
5 shall meet and confer with the collective bargaining representative, if any, with
6 regard to any issue that is a permissive subject of bargaining, except when the issue
7 is under active consideration by a governance organization under s. 36.09 (4) or (4m).

8 **111.999 Labor proposals.** (1) With respect to a collective bargaining unit
9 specified in s. 111.98 (1) (b) to (i) or (j) to (r), the board shall notify and consult with
10 the joint committee on employment relations, in such form and detail as the
11 committee requests, regarding substantial changes in wages, employee benefits,
12 personnel management, and program policy contract provisions to be included in any
13 contract proposal to be offered to any labor organization by the state or to be agreed
14 to by the state before such proposal is actually offered or accepted.

15 (2) With respect to a collective bargaining unit specified in s. 111.98 (1) (a) or
16 (j), the University of Wisconsin–Madison shall notify and consult with the joint
17 committee on employment relations, in such form and detail as the committee
18 requests, regarding substantial changes in wages, employee benefits, personnel
19 management, and program policy contract provisions to be included in any contract
20 proposal to be offered to any labor organization or to be agreed to before such proposal
21 is actually offered or accepted.

22 **111.9991 Agreements.** (1) (a) Any tentative agreement reached between the
23 board, acting for the state, and any labor organization representing a collective
24 bargaining unit specified in s. 111.98 (1) (b) to (i) or (j) to (r) shall, after official
25 ratification by the labor organization, be submitted by the board to the joint

1 committee on employment relations, which shall hold a public hearing before
2 determining its approval or disapproval.

3 (b) Any tentative agreement reached between the University of
4 Wisconsin–Madison, acting for the state, and any labor organization representing a
5 collective bargaining unit specified in s. 111.98 (1) (a) or (j) shall, after official
6 ratification by the labor organization, be submitted by the University of
7 Wisconsin–Madison to the joint committee on employment relations, which shall
8 hold a public hearing before determining its approval or disapproval.

9 (c) If the committee approves a tentative agreement, under par. (a) or (b) it shall
10 introduce in a bill or companion bills, to be put on the calendar or referred to the
11 appropriate scheduling committee of each house, that portion of the tentative
12 agreement which requires legislative action for implementation, such as salary and
13 wage adjustments, changes in fringe benefits, and any proposed amendments,
14 deletions, or additions to existing law. Such bill or companion bills are not subject
15 to ss. 13.093 (1), 13.50 (6) (a) and (b), and 16.47 (2). The committee may, however,
16 submit suitable portions of the tentative agreement to appropriate legislative
17 committees for advisory recommendations on the proposed terms. The committee
18 shall accompany the introduction of such proposed legislation with a message that
19 informs the legislature of the committee's concurrence with the matters under
20 consideration and that recommends the passage of such legislation without change.
21 If the joint committee on employment relations does not approve the tentative
22 agreement, it shall be returned to the parties for renegotiation. If the legislature
23 does not adopt without change that portion of the tentative agreement introduced by
24 the joint committee on employment relations, the tentative agreement shall be
25 returned to the parties for renegotiation.

1 (2) No portion of any tentative agreement shall become effective separately.

2 (3) Agreements shall coincide with the fiscal year or biennium.

3 (4) The negotiation of collective bargaining agreements and their approval by
4 the parties should coincide with the overall fiscal planning and processes of the state.

5 (5) All compensation adjustments for employees shall be effective on the
6 beginning date of the pay period nearest the statutory or administrative date.

7 **111.9992 Status of existing benefits and rights.** Unless a prohibited
8 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),
9 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules
10 governing the salaries, fringe benefits, hours, and conditions of employment apply
11 to each employee, unless otherwise provided in a collective bargaining agreement.

12 **111.9993 Rules, transcripts, fees.** (1) The commission may adopt
13 reasonable and proper rules relative to the exercise of its powers and authority and
14 proper rules to govern its proceedings and to regulate the conduct of all elections and
15 hearings under this subchapter. The commission shall, upon request, provide a
16 transcript of a proceeding to any party to the proceeding for a fee, established by rule,
17 by the commission at a uniform rate per page. All transcript fees shall be credited
18 to the appropriation account under s. 20.425 (1) (i).

19 (2) The commission shall assess and collect a filing fee for filing a complaint
20 alleging that an unfair labor practice has been committed under s. 111.991. The
21 commission shall assess and collect a filing fee for filing a request that the
22 commission act as an arbitrator to resolve a dispute involving the interpretation or
23 application of a collective bargaining agreement under s. 111.993. The commission
24 shall assess and collect a filing fee for filing a request that the commission initiate
25 fact-finding under s. 111.995. The commission shall assess and collect a filing fee

1 for filing a request that the commission act as a mediator under s. 111.994. For the
2 performance of commission actions under ss. 111.993, 111.994, and 111.995, the
3 commission shall require that the parties to the dispute equally share in the payment
4 of the fee and, for the performance of commission actions involving a complaint
5 alleging that an unfair labor practice has been committed under s. 111.991, the
6 commission shall require that the party filing the complaint pay the entire fee. If any
7 party has paid a filing fee requesting the commission to act as a mediator for a labor
8 dispute and the parties do not enter into a voluntary settlement of the labor dispute,
9 the commission may not subsequently assess or collect a filing fee to initiate
10 fact-finding to resolve the same labor dispute. If any request concerns issues arising
11 as a result of more than one unrelated event or occurrence, each such separate event
12 or occurrence shall be treated as a separate request. The commission shall
13 promulgate rules establishing a schedule of filing fees to be paid under this
14 subsection. Fees required to be paid under this subsection shall be paid at the time
15 of filing the complaint or the request for fact-finding, mediation, or arbitration. A
16 complaint or request for fact-finding, mediation, or arbitration is not filed until the
17 date such fee or fees are paid. Fees collected under this subsection shall be credited
18 to the appropriation account under s. 20.425 (1) (i).

19 **SECTION 87.** 111.02 (1) of the statutes is amended to read:

20 111.02 (1) “All-union agreement” means an agreement between an employer
21 other than the University of Wisconsin Hospitals and Clinics Authority and the
22 representative of the employer’s employees in a collective bargaining unit whereby
23 all or any of the employees in such unit are required to be members of a single labor
24 organization.

25 **SECTION 88.** 111.02 (2) of the statutes is amended to read:

1 111.02 (2) “Collective bargaining” means the negotiation by an employer and
2 a majority of the employer’s employees in a collective bargaining unit, or their
3 representatives, concerning representation or terms and conditions of employment
4 of such employees, except as provided under ss. 111.05 (5) and 111.17 (2), in a
5 mutually genuine effort to reach an agreement with reference to the subject under
6 negotiation.

7 **SECTION 89.** 111.02 (3) of the statutes is amended to read:

8 111.02 (3) “Collective bargaining unit” means all of the employees of one
9 employer, employed within the state, except as provided in s. 111.05 (5) and (7) and
10 except that where a majority of the employees engaged in a single craft, division,
11 department or plant have voted by secret ballot as provided in s. 111.05 (2) to
12 constitute such group a separate bargaining unit they shall be so considered, but, in
13 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to
14 111.19, the commission may find, where agreeable to all parties affected in any way
15 thereby, an industry, trade or business comprising more than one employer in an
16 association in any geographical area to be a “collective bargaining unit”. A collective
17 bargaining unit thus established by the commission shall be subject to all rights by
18 termination or modification given by ss. 111.01 to 111.19 in reference to collective
19 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more
20 collective bargaining units may bargain collectively through the same
21 representative where a majority of the employees in each separate unit have voted
22 by secret ballot as provided in s. 111.05 (2) so to do.

23 **SECTION 90.** 111.02 (6) (am) of the statutes is created to read:

24 111.02 (6) (am) “Employee” includes a child care provider certified under s.
25 48.651 and a child care provider licensed under s. 48.65 who provides care and

1 supervision for not more than 8 children who are not related to the child care
2 provider.

3 **SECTION 91.** 111.02 (7) (a) of the statutes is renumbered 111.02 (7) (a) (intro.)
4 and amended to read:

5 111.02 (7) (a) (intro.) “Employer” means a person who engages the services of
6 an employee, and includes ~~a~~ all of the following:

7 1. A person acting on behalf of an employer within the scope of his or her
8 authority, express or implied.

9 **SECTION 92.** 111.02 (7) (a) 2., 3. and 4. of the statutes are created to read:

10 111.02 (7) (a) 2. The University of Wisconsin Hospitals and Clinics Authority.

11 3. A local cultural arts district created under subch. V of ch. 229.

12 4. With respect to an employee under sub. (6) (am), the state, counties, and
13 other administrative entities involved in regulation and subsidization of employees
14 under sub. (6) (am).

15 **SECTION 93.** 111.02 (7) (b) 1. of the statutes is amended to read:

16 111.02 (7) (b) 1. ~~The~~ Except as provided in par. (a) 4., the state or any political
17 subdivision thereof.

18 **SECTION 94.** 111.02 (7m), (9m) and (10m) of the statutes are created to read:

19 111.02 (7m) “Fair-share agreement” means an agreement between the
20 University of Wisconsin Hospitals and Clinics Authority and a labor organization
21 representing employees of that authority, or between an employer defined under sub.
22 (7) (a) 4. and a labor organization representing employees under sub. (6) (am), under
23 which all of the employees in a collective bargaining unit are required to pay their
24 proportionate share of the cost of the collective bargaining process and contract
25 administration measured by the amount of dues uniformly required of all members.

1 **(9m)** “Maintenance of membership agreement” means any of the following:

2 (a) An agreement between the University of Wisconsin Hospitals and Clinics
3 Authority and a labor organization representing employees of that authority that
4 requires that all of the employees whose dues are being deducted from earnings
5 under s. 20.921 (1) or 111.06 (1) (i) at the time the agreement takes effect continue
6 to have dues deducted for the duration of the agreement and that dues be deducted
7 from the earnings of all employees who are hired on or after the effective date of the
8 agreement.

9 (b) An agreement between an employer under sub. (7) (a) 4. and a labor
10 organization representing employees under sub. (6) (am) that requires that all of the
11 employees whose dues are being deducted from earnings under s. 111.06 (1) (i) at the
12 time the agreement takes effect continue to have dues deducted for the duration of
13 the agreement and that dues be deducted from the earnings of all employees who are
14 hired on or after the effective date of the agreement.

15 **(10m)** “Referendum” means a proceeding conducted by the commission in
16 which employees of the University of Wisconsin Hospitals and Clinics Authority in
17 a collective bargaining unit or in which employees under sub. (6) (am) in a collective
18 bargaining unit may cast a secret ballot on the question of directing the labor
19 organization and the employer to enter into a fair-share or maintenance of
20 membership agreement or to terminate such an agreement.

21 **SECTION 95.** 111.05 (2) of the statutes is amended to read:

22 111.05 (2) ~~Whenever~~ Except as provided in subs. (5) and (7), whenever a
23 question arises concerning the determination of a collective bargaining unit, it shall
24 be determined by secret ballot, and the commission, upon request, shall cause the
25 ballot to be taken in such manner as to show separately the wishes of the employees

1 in any craft, division, department or plant as to the determination of the collective
2 bargaining unit.

3 **SECTION 96.** 111.05 (5) of the statutes is created to read:

4 111.05 (5) (a) Collective bargaining units for representation of the employees
5 of the University of Wisconsin Hospitals and Clinics Authority shall include one unit
6 for employees engaged in each of the following functions:

- 7 1. Fiscal and staff services.
- 8 2. Patient care.
- 9 3. Science.
- 10 4. Clerical and related.
- 11 5. Blue collar and nonbuilding trades.
- 12 6. Building trades crafts.
- 13 7. Security and public safety.
- 14 8. Technical.

15 (b) Collective bargaining units for representation of the employees of the
16 University of Wisconsin Hospitals and Clinics Authority who are engaged in a
17 function not specified in par. (a) shall be determined in the manner provided in this
18 section. The creation of any collective bargaining unit for the employees is subject
19 to approval of the commission. The commission may not permit fragmentation of the
20 collective bargaining units or creation of any collective bargaining unit that is too
21 small to provide adequate representation of employees. In approving the collective
22 bargaining units, the commission shall give primary consideration to the authority's
23 needs to fulfill its statutory missions.

24 **SECTION 97.** 111.05 (6) of the statutes is created to read:

1 111.05 (6) If a single representative is recognized or certified to represent more
2 than one of the collective bargaining units specified in sub. (5), that representative
3 and the employer may jointly agree to combine the collective bargaining units,
4 subject to the right of the employees in any of the collective bargaining units that
5 were combined to petition for an election under sub. (3). Any agreement under this
6 subsection is effective when the parties provide written notice of the agreement to
7 the commission and terminates when the party provides written notice of
8 termination to the commission or when the representative entering into the
9 agreement is decertified as representative of one of the combined collective
10 bargaining units, whichever occurs first.

11 **SECTION 98.** 111.05 (7) of the statutes is created to read:

12 111.05 (7) Employees under s. 111.02 (6) (am) shall comprise a single collective
13 bargaining unit.

14 **SECTION 99.** 111.06 (1) (c) 1. of the statutes is amended to read:

15 111.06 (1) (c) 1. To encourage or discourage membership in any labor
16 organization, employee agency, committee, association, or representation plan by
17 discrimination in regard to hiring, tenure, or other terms or conditions of
18 employment except in a collective bargaining unit where an all-union, fair-share,
19 or maintenance of membership agreement is in effect. An employer may enter into
20 an all-union agreement with the voluntarily recognized representative of the
21 employees in a collective bargaining unit, where at least a majority of such employees
22 voting have voted affirmatively, by secret ballot, in favor of the all-union agreement
23 in a referendum conducted by the commission, except that where the bargaining
24 representative has been certified by either the commission or the national labor
25 relations board as the result of a representation election, no referendum is required

1 to authorize the entry into an all-union agreement. An authorization of an all-union
2 agreement continues, subject to the right of either party to the all-union agreement
3 to petition the commission to conduct a new referendum on the subject. Upon receipt
4 of the petition, if the commission determines there is reasonable ground to believe
5 that the employees concerned have changed their attitude toward the all-union
6 agreement, the commission shall conduct a referendum. If the continuance of the
7 all-union agreement is supported on a referendum by a vote at least equal to that
8 provided in this subdivision for its initial authorization, it may continue, subject to
9 the right to petition for a further vote by the procedure under this subdivision. If the
10 continuance of the all-union agreement is not supported on a referendum, it
11 terminates at the expiration of the contract of which it is then a part or at the end
12 of one year from the date of the announcement by the commission of the result of the
13 referendum, whichever is earlier. The commission shall declare any all-union
14 agreement terminated whenever it finds that the labor organization involved has
15 unreasonably refused to receive as a member any employee of such employer. An
16 interested person may, as provided in s. 111.07, request the commission to perform
17 this duty. Any all-union agreement in effect on October 4, 1975, made in accordance
18 with the law in effect at the time it is made is valid.

19 **SECTION 100.** 111.06 (1) (d) of the statutes is amended to read:

20 111.06 (1) (d) To refuse to bargain collectively with the representative of a
21 majority of the employer's employees in any collective bargaining unit with respect
22 to representation or terms and conditions of employment, except as provided under
23 ss. 111.05 (5) and 111.17 (2); provided, however, that where an employer files with
24 the commission a petition requesting a determination as to majority representation,
25 the employer ~~shall not be deemed to have~~ has not refused to bargain until an election

1 has been held and the commission has certified the result thereof ~~has been certified~~
2 to the employer ~~by the commission~~.

3 **SECTION 101.** 111.06 (1) (i) of the statutes is amended to read:

4 111.06 (1) (i) To deduct labor organization dues or assessments from an
5 employee's earnings, unless the employer has been presented with an individual
6 order ~~therefor~~, signed by the employee personally, and terminable at the end of any
7 year of its life by the employee giving at least thirty days' written notice of ~~such~~ the
8 termination unless there is an all-union fair-share, or maintenance of membership
9 agreement in effect. The employer shall give notice to the labor organization of
10 receipt of ~~such~~ a notice of termination.

11 **SECTION 102.** 111.06 (1) (m) of the statutes is created to read:

12 111.06 (1) (m) To fail to give the notice of intention to engage in a lockout
13 provided in s. 111.115 (2).

14 **SECTION 103.** 111.06 (2) (i) of the statutes is amended to read:

15 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided
16 in s. 111.115 (2) or (3).

17 **SECTION 104.** 111.075 of the statutes is created to read:

18 **111.075 Fair-share and maintenance of membership agreements. (1)**

19 (a) No fair-share or maintenance of membership agreement is effective unless
20 authorized by a referendum. The commission shall order a referendum whenever it
21 receives a petition supported by proof that at least 30 percent of the employees in a
22 collective bargaining unit desire that a fair-share or maintenance of membership
23 agreement be entered into between the employer and a labor organization. If the
24 petition requests a referendum on a maintenance of membership agreement only, the
25 ballot shall be limited to that question.

1 (b) For a fair-share agreement to be authorized, at least two-thirds of the
2 eligible employees voting in a referendum must vote for the agreement. For a
3 maintenance of membership agreement to be authorized, at least a majority of the
4 eligible employees voting in a referendum must vote for the agreement. In a
5 referendum on a fair-share agreement, if less than two-thirds but more than
6 one-half of the eligible employees vote for the agreement, a maintenance of
7 membership agreement is authorized.

8 (c) If a fair-share or maintenance of membership agreement is authorized
9 under par. (b), the employer shall enter into a fair-share or maintenance of
10 membership agreement with the labor organization named on the ballot in the
11 referendum. Each fair-share or maintenance of membership agreement must
12 require the employer to deduct the amount of dues as certified by the labor
13 organization from the earnings of the employees affected by the agreement and to
14 pay the amount deducted to the labor organization. Unless the parties agree to an
15 earlier date, the agreement takes effect 60 days after certification by the commission
16 that the referendum vote authorized the agreement. The employer shall be held
17 harmless against any claims, demands, suits, and other forms of liability made by
18 employees or local labor organizations which may arise for actions the employer
19 takes in compliance with this section. All lawful claims, demands, suits, and other
20 forms of liability are the responsibility of the labor organization entering into the
21 agreement.

22 (d) Under each fair-share or maintenance of membership agreement, an
23 employee who has religious convictions against dues payments to a labor
24 organization may request the labor organization to pay his or her dues to a charity

1 mutually agreed upon by the employee and the labor organization. Any dispute
2 under this paragraph may be submitted to the commission for adjudication.

3 (2) (a) Once authorized, a fair-share or maintenance of membership
4 agreement continues, subject to the right of the employer or labor organization
5 concerned to petition the commission to conduct a new referendum. If the
6 commission receives a petition and finds that at least 30 percent of the employees in
7 the collective bargaining unit want to discontinue the fair-share or maintenance of
8 membership agreement, the commission shall conduct a new referendum. If the
9 continuance of the fair-share or maintenance of membership agreement is approved
10 in the referendum by at least the percentage of eligible voting employees required
11 for its initial authorization, it shall continue, subject to the right of the employer or
12 labor organization to later initiate a further vote following the procedure prescribed
13 in this subsection. If the continuation of the agreement is not supported in any
14 referendum, it terminates at the expiration of the collective bargaining agreement,
15 or one year from the date of the certification of the result of the referendum,
16 whichever is earlier.

17 (b) The commission shall suspend any fair-share or maintenance of
18 membership agreement upon such conditions and for such time as the commission
19 decides whenever it finds that the labor organization involved has refused on the
20 basis of race, color, sexual orientation, or creed to receive as a member any employee
21 in the collective bargaining unit involved, and the agreement shall be subject to the
22 findings and orders of the commission. Any of the parties to the agreement, or any
23 employee covered thereby, may come before the commission, as provided in s. 111.07,
24 and petition the commission to make such a finding.

1 (3) A stipulation for a referendum executed by an employer and a labor
2 organization may not be filed until after the representation election has been held
3 and the results certified.

4 (4) The commission may, under rules adopted for that purpose, appoint as its
5 agent an official of the University of Wisconsin Hospitals and Clinics Authority to
6 conduct the referenda provided for in this section.

7 (5) This section applies only in collective bargaining units comprised of
8 employees of the University of Wisconsin Hospitals and Clinics Authority.

9 **SECTION 105.** 111.115 (title) of the statutes is amended to read:

10 **111.115 (title) Notice of certain proposed lockouts or strikes.**

11 **SECTION 106.** 111.115 (1) of the statutes is renumbered 111.115 (1) (intro.) and
12 amended to read:

13 111.115 (1) (intro.) In this section, ~~“strike”~~ subsection:

14 (b) “Strike” includes any concerted stoppage of work by employees, and any
15 concerted slowdown or other concerted interruption of operations or services by
16 employees, or any concerted refusal of employees to work or perform their usual
17 duties as employees, for the purpose of enforcing demands upon an employer.

18 **SECTION 107.** 111.115 (1) (a) of the statutes is created to read:

19 111.115 (1) (a) “Lockout” means the barring of any employee from employment
20 in an establishment by an employer as a part of a labor dispute, which is not directly
21 subsequent to a strike or other job action of a labor organization or group of
22 employees of the employer, or which continues or occurs after the termination of a
23 strike or other job action of a labor organization or group of employees of the
24 employer.

25 **SECTION 108.** 111.115 (2) of the statutes is created to read:

1 111.115 (2) If no collective bargaining agreement is in effect between the
2 University of Wisconsin Hospitals and Clinics Authority and the recognized or
3 certified representative of employees of that authority in a collective bargaining unit,
4 the employer may not engage in a lockout affecting employees in that collective
5 bargaining unit without first giving 10 days' written notice to the representative of
6 its intention to engage in a lockout, and the representative may not engage in a strike
7 without first giving 10 days' written notice to the employer of its intention to engage
8 in a strike.

9 **SECTION 109.** 111.17 of the statutes is renumbered 111.17 (intro.) and amended
10 to read:

11 **111.17 Conflict of provisions; effect.** (intro.) Wherever the application of
12 the provisions of other statutes or laws conflict with the application of the provisions
13 of this subchapter, this subchapter shall prevail, except ~~that in~~ for the following:

14 (1) In any situation ~~where~~ in which the provisions of this subchapter cannot
15 be validly enforced the provisions of such other statutes or laws shall apply.

16 **SECTION 110.** 111.17 (2) of the statutes is created to read:

17 111.17 (2) All fringe benefits authorized or required to be provided by the
18 University of Wisconsin Hospitals and Clinics Authority to its employees under ch.
19 40 shall be governed exclusively by ch. 40, except that if any provision of ch. 40
20 specifically permits a collective bargaining agreement under this subchapter to
21 govern the eligibility for or the application, cost, or terms of a fringe benefit under
22 ch. 40, or provides that the eligibility for or the application, cost, or terms of a fringe
23 benefit under ch. 40 shall be governed by a collective bargaining agreement under
24 this subchapter, such a provision in a collective bargaining agreement supersedes
25 any provision of ch. 40 with respect to the employees to whom the agreement applies.

1 The employer is prohibited from engaging in collective bargaining concerning any
2 matter governed exclusively by ch. 40 under this subsection.

3 **SECTION 111.** 111.70 (1) (a) of the statutes is amended to read:

4 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
5 obligation of a municipal employer, through its officers and agents, and the
6 representative of its municipal employees in a collective bargaining unit, to meet and
7 confer at reasonable times, in good faith, with the intention of reaching an
8 agreement, or to resolve questions arising under such an agreement, with respect to
9 wages, hours, and conditions of employment ~~for public safety employees or transit~~
10 ~~employees and with respect to wages for general municipal employees, and with~~
11 ~~respect to a requirement of the municipal employer for a municipal employee to~~
12 ~~perform law enforcement and fire fighting services under s. 60.553, 61.66, or 62.13~~
13 ~~(2e) and for a school district with respect to any matter under sub. (4) (n), except as~~
14 ~~provided in sub. subs. (3m), (3p), and (4) (mb) (m) and (mc) and s. 40.81 (3) and except~~
15 ~~that a municipal employer shall not meet and confer with respect to any proposal to~~
16 ~~diminish or abridge the rights guaranteed to any public safety municipal employees~~
17 ~~under ch. 164. Collective bargaining includes the reduction of any agreement~~
18 ~~reached to a written and signed document.~~

19 **SECTION 112.** 111.70 (1) (cm) of the statutes is repealed.

20 **SECTION 113.** 111.70 (1) (f) of the statutes is amended to read:

21 111.70 (1) (f) “Fair-share agreement” means an agreement between a
22 municipal employer and a labor organization ~~that represents public safety~~
23 ~~employees or transit employees under which all or any of the public safety municipal~~
24 ~~employees or transit employees in the collective bargaining unit are required to pay~~

1 their proportionate share of the cost of the collective bargaining process and contract
2 administration measured by the amount of dues uniformly required of all members.

3 **SECTION 114.** 111.70 (1) (fm) of the statutes is repealed.

4 **SECTION 115.** 111.70 (1) (j) of the statutes is amended to read:

5 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
6 metropolitan sewerage district, school district, long-term care district, transit
7 authority under s. 59.58 (7) or 66.1039, ~~local cultural arts district created under~~
8 ~~subch. V of ch. 229~~, or any other political subdivision of the state, or instrumentality
9 of one or more political subdivisions of the state, that engages the services of an
10 employee and includes any person acting on behalf of a municipal employer within
11 the scope of the person’s authority, express or implied, but does not include a local
12 cultural arts district created under subch. V of ch. 229.

13 **SECTION 116.** 111.70 (1) (mm) of the statutes is repealed.

14 **SECTION 117.** 111.70 (1) (n) of the statutes is amended to read:

15 111.70 (1) (n) “Referendum” means a proceeding conducted by the commission
16 in which ~~public safety employees or transit~~ municipal employees in a collective
17 bargaining unit may cast a secret ballot on the question of authorizing a labor
18 organization and the employer to continue a fair-share agreement.

19 **SECTION 118.** 111.70 (1) (p) of the statutes is repealed.

20 **SECTION 119.** 111.70 (1g) of the statutes is created to read:

21 111.70 (1g) DECLARATION OF POLICY. (a) The public policy of the state as to labor
22 disputes arising in municipal employment is to encourage voluntary settlement
23 through the procedures of collective bargaining. Accordingly, it is in the public
24 interest that municipal employees so desiring be given an opportunity to bargain
25 collectively with the municipal employer through a labor organization or other

1 representative of the employees' own choice. If such procedures fail, the parties
2 should have available to them a fair, speedy, effective and, above all, peaceful
3 procedure for settlement as provided in this subchapter.

4 (b) In creating this subchapter the legislature recognizes that the municipal
5 employer must exercise its powers and responsibilities to act for the government and
6 good order of the jurisdiction which it serves, its commercial benefit and the health,
7 safety, and welfare of the public to assure orderly operations and functions within its
8 jurisdiction, subject to those rights secured to municipal employees by the
9 constitutions of this state and of the United States and by this subchapter.

10 **SECTION 120.** 111.70 (2) of the statutes is amended to read:

11 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees have the right
12 of self-organization, and the right to form, join, or assist labor organizations, to
13 bargain collectively through representatives of their own choosing, and to engage in
14 lawful, concerted activities for the purpose of collective bargaining or other mutual
15 aid or protection. Municipal employees have the right to refrain from any and all
16 such activities. ~~A general municipal employee has the right to refrain from paying~~
17 ~~dues while remaining a member of a collective bargaining unit. A public safety~~
18 ~~employee or a transit employee, however, except that an employee may be required~~
19 ~~to pay dues in the manner provided in a fair-share agreement; a fair-share~~
20 ~~agreement covering a public safety employee or a transit employee must contain a~~
21 ~~provision requiring~~ require the municipal employer to deduct the amount of dues as
22 certified by the labor organization from the earnings of the employee affected by the
23 fair-share agreement and to pay the amount deducted to the labor organization. A
24 fair-share agreement ~~covering a public safety employee or transit employee is~~
25 subject to the right of the municipal employer or a labor organization to petition the

1 commission to conduct a referendum. Such petition must be supported by proof that
2 at least 30% of the employees in the collective bargaining unit desire that the
3 fair-share agreement be terminated. Upon so finding, the commission shall conduct
4 a referendum. If the continuation of the agreement is not supported by at least the
5 majority of the eligible employees, it shall terminate. The commission shall declare
6 suspend any fair-share agreement suspended upon such conditions and for such
7 time as the commission decides whenever it finds that the labor organization
8 involved has refused on the basis of race, color, sexual orientation, creed, or sex to
9 receive as a member any ~~public safety employee or transit~~ employee of the municipal
10 employer in the bargaining unit involved, and such agreement is subject to this duty
11 of the commission. Any of the parties to such agreement or any ~~public safety~~
12 ~~employee or transit~~ municipal employee covered by the agreement may come before
13 the commission, as provided in s. 111.07, and ask the performance of this duty.

14 **SECTION 121.** 111.70 (3) (a) 3. of the statutes is amended to read:

15 111.70 (3) (a) 3. To encourage or discourage a membership in any labor
16 organization by discrimination in regard to hiring, tenure, or other terms or
17 conditions of employment; but the prohibition shall not apply to a fair-share
18 agreement that covers ~~public safety employees or transit employees.~~

19 **SECTION 122.** 111.70 (3) (a) 5. of the statutes is amended to read:

20 111.70 (3) (a) 5. To violate any collective bargaining agreement previously
21 agreed upon by the parties with respect to wages, hours and conditions of
22 employment affecting ~~public safety employees or transit~~ municipal employees,
23 including an agreement to arbitrate questions arising as to the meaning or
24 application of the terms of a collective bargaining agreement or to accept the terms
25 of such arbitration award, where previously the parties have agreed to accept such

1 award as final and binding upon them ~~or to violate any collective bargaining~~
2 ~~agreement affecting general municipal employees, that was previously agreed upon~~
3 ~~by the parties with respect to wages.~~

4 **SECTION 123.** 111.70 (3) (a) 6. of the statutes is amended to read:

5 111.70 (3) (a) 6. To deduct labor organization dues from the earnings of a public
6 safety employee ~~or a transit~~ municipal employee, unless the municipal employer has
7 been presented with an individual order therefor, signed by the employee personally,
8 and terminable by at least the end of any year of its life or earlier by the ~~public safety~~
9 ~~employee or transit~~ municipal employee giving at least 30 days' written notice of such
10 termination to the municipal employer and to the representative organization,
11 except when a fair-share agreement is in effect.

12 **SECTION 124.** 111.70 (3) (a) 7. of the statutes is created to read:

13 111.70 (3) (a) 7. To refuse or otherwise fail to implement an arbitration decision
14 lawfully made under sub. (4) (cm).

15 **SECTION 125.** 111.70 (3) (a) 7m. of the statutes is repealed.

16 **SECTION 126.** 111.70 (3) (a) 9. of the statutes is amended to read:

17 111.70 (3) (a) 9. ~~If the collective bargaining unit contains a public safety~~
18 ~~employee or transit employee, after~~ After a collective bargaining agreement expires
19 and before another collective bargaining agreement takes effect, to fail to follow any
20 fair-share agreement in the expired collective bargaining agreement.

21 **SECTION 127.** 111.70 (3) (b) 6. of the statutes is created to read:

22 111.70 (3) (b) 6. To refuse or otherwise fail to implement an arbitration decision
23 lawfully made under sub. (4) (cm).

24 **SECTION 128.** 111.70 (3) (b) 6m. of the statutes is repealed.

25 **SECTION 129.** 111.70 (3g) of the statutes is repealed.

1 **SECTION 130.** 111.70 (3m) of the statutes is created to read:

2 111.70 (3m) MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT. A collective
3 bargaining agreement that covers municipal employees performing services for the
4 Milwaukee County enrollment services unit under s. 49.825 must contain a provision
5 that permits the terms of the agreement to be modified with respect to hours and
6 conditions of employment by a memorandum of understanding under s. 49.825 (3)
7 (b) 4.

8 **SECTION 131.** 111.70 (3p) of the statutes is created to read:

9 111.70 (3p) CHILD CARE PROVIDER SERVICES UNIT. A collective bargaining
10 agreement that covers municipal employees performing services for the child care
11 provider services unit under s. 49.826 must contain a provision that permits the
12 terms of the agreement to be modified with respect to hours and conditions of
13 employment by a memorandum of understanding under s. 49.826 (3) (b) 4.

14 **SECTION 132.** 111.70 (4) (bm) of the statutes is repealed.

15 **SECTION 133.** 111.70 (4) (c) (title) of the statutes is amended to read:

16 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; public safety*
17 *employees law enforcement and fire fighting personnel.*

18 **SECTION 134.** 111.70 (4) (c) 1. of the statutes is renumbered 111.70 (4) (c) 1m.
19 and amended to read:

20 111.70 (4) (c) 1m. 'Mediation.' The commission may function as a mediator in
21 labor disputes ~~involving a collective bargaining unit containing a public safety~~
22 ~~employee.~~ Such mediation may be carried on by a person designated to act by the
23 commission upon request of one or both of the parties or upon initiation of the
24 commission. The function of the mediator is to encourage voluntary settlement by
25 the parties but no mediator has the power of compulsion.